

ADDENDUM TO THE FACT SHEET
FOR NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)
PERMIT NO. WA0038679

I. GENERAL INFORMATION

Facility: Pacific Functional Fluids, LLC
P.O. Box 1296
Tacoma, WA 98421-3607

II. APPLICATION REVIEW

An application for permit reissuance was submitted to the Department of Ecology (Department) on March 3, 2003, and accepted by the Department on December 24, 2003. The scope and manner of any review of an application for replacement of permit by the Department shall be sufficiently detailed as to insure the following:

- That the permittee is in substantial compliance with all of the terms, conditions, requirements and schedules of compliance of the expired permit;
- That the Department has up-to date information on the permittee's production levels; permittee's waste treatment practices; nature, content, and frequencies of permittee's discharge; either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports resubmitted to the Department by the permittee; and
- That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements listed in WAC 173-216 and WAC 173-200.

The application for Pacific Functional Fluids, LLC was reviewed and indicates that no changes in the treatment characteristics of the effluent process or volume of wastewater has occurred.

III. PERMIT REAUTHORIZATION

This fact sheet addendum accompanies the draft permit, which is to be reauthorized to Pacific Functional Fluids, LLC for the discharge of wastewater to Blair Waterway. The previous fact sheet is also part of this administrative record and explains the basis for the discharge limitations and conditions of the reauthorized permit.

The existing permit requirements, including discharge limitations and monitoring, are only changed in respect to the limited monitoring of Methylene chloride and arsenic which with this new permit will be sampled monthly throughout the duration of the permit. Ecology has determined that this additional sampling is required to protect the receiving water quality. The previous fact sheet addressed conditions and issues at the facility at the time when the previous permit was issued, and statements made reflected the status in 1999. Since the issuance of the current permit, the Department has not received any information which indicates that environmental impacts from the discharge that were not evaluated at the time of the last permit

issuance is persuasive enough to undertake a complete renewal of the permit. The reauthorized permit is virtually identical to the previous permit issued on June 4, 1999.

The discharge limits and conditions in effect at the time of expiration of the previous permit are carried over unchanged to this reauthorized permit. Assessment of compliance and inspections of the facility during the previous permit term indicate that the facility should not be placed on a high priority for permit renewal. The Department assigns a high priority for permit renewals in situations where water quality would materially benefit from a more stringent permit during the next five-year cycle.

The permit reauthorization process, in concert with the routine renewal of high priority permits, allows the Department to reissue permits in a timely manner and minimize the number of active permits that have passed expiration dates. A system of ranking the relative significance of the environmental benefit to be gained by renewing a permit rather than reauthorizing a permit is followed during the Department's annual permit planning process. Each permit that is due for reissuance is assessed and compared with other permits that are also due for reissuance. The public is notified and input is sought after the initial draft ranking has tentatively established which permits are likely to be completely renewed and which are likely to be reauthorized. All relevant comments and suggestions are considered before a final decision is made regarding the type of reissuance for each permit.

The only changes to the previous permit are the name of the facility which was changed from Lilyblad Petroleum, Inc. to Pacific Functional Fluids, LLC via a Transfer of Ownership form received by the Department on March 3, 2003, submittal date requirements, and the monitoring of Methylene chloride and arsenic. Submittal requirements from the previous permit that were completed and submitted and do not require additional or continued assessment were removed from this permit. The submittal dates for the other standard compliance and submittal requirements that have been carried over from the past permit into this reauthorized permit have been adjusted to the proposed permit schedule. The Department considered these submittals necessary in the previous permit and no information has come forward to cause a reconsideration of the submittal requirement.

Public notice of the availability of the draft reauthorized permit is required at least 30 days before the permit is issued [Washington Administrative Code (WAC) 173-220-050]. The fact sheet and draft permit are available for review (see Appendix A—Public Involvement for more detail on the Public Notice procedures).

After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file for the permit and parties submitting comments will receive a copy of the Department's response. Comments and the resultant changes to the permit will be summarized in the fact sheet addendum, Appendix D—Response to Comments.

IV. RECOMMENDATION FOR PERMIT ISSUANCE

The Department proposes that this permit be issued for five years.

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The Department has determined to reauthorize a discharge permit to the applicant listed on page 1 of this fact sheet addendum. The permit contains conditions and effluent limitations that are described in the fact sheet.

Public notice of application was published on July 13, 2003, and July 20, 2003, in the *Tacoma News Tribune* to inform the public that an application had been submitted and to invite comment on the reauthorization of this permit.

The Department will publish a Public Notice of Draft (PNOD) on January 29, 2004, in the *Tacoma News Tribune* to inform the public that a draft permit and fact sheet are available for review. Interested persons are invited to submit written comments regarding the draft permit. The draft permit, fact sheet addendum, and fact sheet are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the regional office listed below. Written comments should be mailed to:

Industrial Permit Coordinator
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

Any interested party may comment on the draft permit or request a public hearing on this draft permit within the 30-day comment period to the address above. The request for a hearing shall indicate the interest of the party and the reasons why the hearing is warranted. The Department will hold a hearing if it determines there is a significant public interest in the draft permit (WAC 173-220-090). Public notice regarding any hearing will be circulated at least 30 days in advance of the hearing. People expressing an interest in this permit will be mailed an individual notice of hearing (WAC 173-220-100).

Comments should reference specific test followed by proposed modification or concern when possible. Comments may address technical issues, accuracy and completeness of information, the scope of the facility's proposed coverage, adequacy of environmental protection, permit conditions, or any other concern that would result from reauthorization of this permit.

The Department will consider all comments received within 30 days from the date of the PNOD indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone at (360) 407-6280, email at lcn461@ecy.wa.gov, or by writing to the address listed above.

APPENDIX D - RESPONSE TO COMMENTS

Comment 1.

Pentachlorophenol. According to the fact sheet for this permit, the concentrations of pentachlorophenol, have been “increasing with time.” Pentachlorophenol, an acute neurotoxin and endocrine disrupter has been identified as a “Group B2, probably human carcinogen” by the United States Environmental Protection Agency and its use has been banned in 26 countries. It is unacceptable to discharge it into Commencement Bay.

The fact sheet further states, “It has not been determined if this is due to groundwater seepage or decreased efficiency of the carbon column or both.” The carbon column was only replaced once during the previous permit cycle.” The carbon column needs to be marinated and/or changed on a regular basis. The storm sewers need to be visually inspected on a regular basis to determine the integrity of the sewers and sewer joints and any needed repairs or maintenance completed.

Response 1.

The staff of the Washington Department of Ecology is aware that pentachlorophenol is a toxic substance. This is the reason that its discharge concentration has been limited. This limit is in accordance with the laws and enabling regulations of the State of Washington. The legislature does not allow Ecology to break the laws. As long as Pacific Functional Fluids can meet the permit limits, no action can be taken to stop or modify their operations.

Comment 2.

Additional Sampling. The increased (monthly) sampling for Methylene chloride and arsenic, which is “required to protect the receiving water quality,” is a positive and proactive step.

Response 2.

No alternation of the permit is suggested, so no action is taken.

Comment 3.

Mixing zone A mixing zone, which allows discharge of pollutants that exceed the state water quality standards into Commencement Bay, is not in the spirit of the Clean Water Act. The objective of this act is to “restore and maintain the chemical, physical, and biological integrity of the nation's waters.” The routine authorization of mixing zones is counterproductive to meeting this objective. It is clearly stated in section 1251 of the CWA that, “it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited”, and that “it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985”. The Department of Ecology’s failure to phase out these mixing zones or even to include sunset language, which will encourage movement towards the elimination of these zones does nothing to achieve the goals of the CWA and is in direct violation of the spirit of the act. This wholesale authorization of mixing zones violates water quality standards determined and implemented by the State of Washington. Pacific Functional Fluids should be required to meet water quality standards at the end of the pipe.

Response 3.

Ecology enforces specific laws and regulations which are narrowly defined. Spirit is not one of these. Should a commenter demonstrate that all known, available, and reasonable treatment has not been applied, then a mixing zone can be reduced.